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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,391	11/03/2003	Osamu Otsuka	DP-977 US	2731

21254 7590 01/18/2007

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EXAMINER	
PHAM, TUAN	
ART UNIT	**PAPER NUMBER**
2618	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/698,391	OTSUKA, OSAMU	
	Examiner	Art Unit	
	TUAN A. PHAM	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 November 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *1-10* is/are allowed.

6)☒ Claim(s) *11-14 and 19-22* is/are rejected.

7)☒ Claim(s) *15-18* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *03 November 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 11/27/2006, 06/17/2005, and 11/03/2003 has been considered by Examiner and made of record in the application file.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levinson et al. (U.S. Patent No.: 5,223,816, hereinafter, "Levinson") in view of Kushige (U.S. Patent No.: 5,327,461).

Regarding claim 11, Levinson teaches a transmission rate controlling method of mobile radio rate of radio data transmission between equipment for controlling the mobile radio equipment and a base station (see figure 1, portable 12, central station 28), comprising:

a decoding step for decoding encoded data (see figure 3, decoder 18z is decode the data receive from the receiver 18x); and

a judging step for judging whether or not decoding can be performed in time (see figure 3, threshold detector 20b is adjust the signal above the threshold to reach the decoder in time, col.4, ln.15-33).

It should be noticed that Levinson fails to teach a transmission controlling step for controlling the rate of transmission to/ from a base station based on a judgment made at the judging step. However, Kushige teaches such features (see figure 1, figures 3, voice detector 15, transmission control circuit 16 is controlled the transmission rate is based on the level judgment circuit 155 of detector 15, col.6, ln.10-68).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kushige into view of Levinson in order to control the voice signal when shifted from its voiceless state to a voice state as suggested by Kushige at col.1, ln.50-55.

Regarding claim 12, Levinson teaches a transmission rate controlling method of mobile radio rate of radio data transmission between equipment for controlling the mobile radio equipment and a base station (see figure 1, portable 12, central station 28), comprising:

a decoding step for decoding encoded data according to the encoded data input into a decoder (see figure 3, decoder 18z is decode the data receive from the receiver 18x); and

a judging step for judging whether or not decoding can be performed in time (see figure 3, threshold detector 20b is adjust the signal above the threshold to reach the decoder in time, col.4, ln.15-33).

It should be noticed that Levinson fails to teach a transmission controlling step for controlling the rate of transmission to/ from a base station based on a judgment made at the judging step, and an inputting/ outputting step for inputting/ outputting the decoded data output from the decoder in a format suitable for the input data. However, Kushige teaches such features (see figure 1, figures 3, voice detector 15, transmission control circuit 16 is controlled the transmission rate is based on the level judgment circuit 155 of detector 15, output to the speaker 25, col.6, ln.10-68).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kushige into view of Levinson in order to control the voice signal when shifted from its voiceless state to a voice state as suggested by Kushige at col.1, ln.50-55.

Regarding claim 13, Levinson teaches a transmission rate controlling method of mobile radio rate of radio data transmission between equipment for controlling the mobile radio equipment and a base station (see figure 1, portable 12, central station 28), comprising:

a decoding step for decoding encoded data (see figure 3, decoder 18z is decode the data receive from the receiver 18x);

a detecting step for detecting whether or not the decoding result is normal (see col.4, ln.15-43, threshold detector 20b is adjust the signal above the threshold to reach the decoder in normal situation), and

a judging step for judging whether or not decoding can be performed in time (see figure 3, threshold detector 20b is adjust the signal above the threshold to reach the decoder in time, col.4, ln.15-33).

It should be noticed that Levinson fails to teach a transmission controlling step for controlling the rate of transmission to/ from a base station based on a judgment made at the judging step. However, Kushige teaches such features (see figure 1, figures 3, voice detector 15, transmission control circuit 16 is controlled the transmission rate is based on the level judgment circuit 155 of detector 15, col.6, ln.10-68).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kushige into view of Levinson in order to control the voice signal when shifted from its voiceless state to a voice state as suggested by Kushige at col.1, ln.50-55.

Regarding claim 14, Levinson teaches a transmission rate controlling method of mobile radio rate of radio data transmission between equipment for controlling the mobile radio equipment and a base station (see figure 1, portable 12, central station 28), comprising:

a decoding step for decoding encoded data according to the encoded data input into a decoder (see figure 3, decoder 18z is decode the data receive from the receiver 18x);

a detecting step for detecting whether or not the decoding result is normal (see col.4, ln.15-43, threshold detector 20b is adjust the signal above the threshold to reach the decoder in normal situation); and

a judging step for judging whether or not decoding can be performed in time (see figure 3, threshold detector 20b is adjust the signal above the threshold to reach the decoder in time, col.4, ln.15-33).

It should be noticed that Levinson fails to teach a transmission controlling step for controlling the rate of transmission to/ from a base station based on a judgment made at the judging step, and an inputting/ outputting step for inputting/ outputting the decoded data output from the decoder in a format suitable for the input data. However, Kushige teaches such features (see figure 1, figures 3, voice detector 15, transmission control circuit 16 is controlled the transmission rate is based on the level judgment circuit 155 of detector 15, output to the speaker 25, col.6, ln.10-68).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kushige into view of Levinson in order to control the voice signal when shifted from its voiceless state to a voice state as suggested by Kushige at col.1, ln.50-55.

5. Claims 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levinson et al. (U.S. Patent No.: 5,223,816, hereinafter, "Levinson") in view of Kushige (U.S. Patent No.: 5,327,461) as applied to claims 11-14 above, and further in view of Hunzinger (U.S. Patent No.: 6,678,530).

Regarding claims 19-22, Levinson and Kushige, in combination, fails to teach the transmission controlling step includes the process of requesting the base station to reduce the data transmission rate when the load data exceeds the threshold value at the comparing step, and the process of requesting the base station to increase the data transmission rate when the load data is below the threshold value. However, Hunzinger teaches such features (see figure 3, col.4, ln.8-35).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Hunzinger into view of Levinson and Kushige in order to control the handoff between the mobile and base station.

Allowable Subject Matter

6. Claims 1-10 are allowed.

7. Claims 15-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

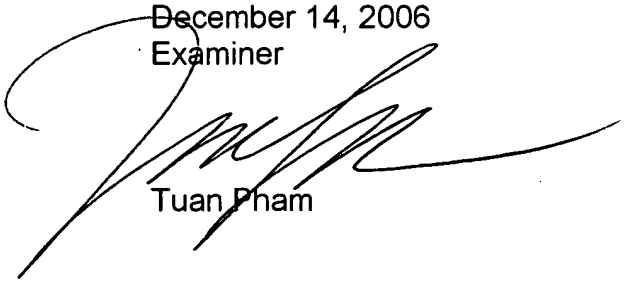
Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A. Pham whose telephone number is (571) 272-8097. The examiner can normally be reached on Monday through Friday, 8:30 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

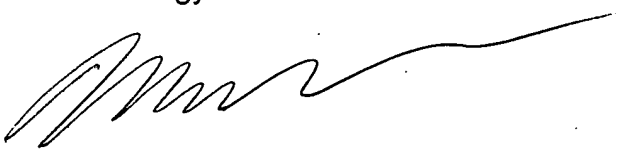
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit 2618
December 14, 2006
Examiner



Tuan Pham

Supervisory Patent Examiner
Technology Center 2600



Matthew Anderson